

same," passed March 20, 1848, was taken up, read second time, and ordered engrossed.

Senate Bill No. 89, "An Act prescribing certain requirements in, and the effect to be given to deeds made by Sheriffs or other officers, and sales made by virtue of executions issued and judgments rendered by Justices of the Peace and Mayors of towns and cities," was taken up, read third time, and ordered engrossed.

Senate Bill No. 94, "An Act to amend an act entitled, 'An Act to provide for the supplying of lost records in the several counties in this State,'" approved April 14, 1874, was taken up, and read second time.

On motion of Senator Piner the bill was made the special order for Thursday next, at 11 o'clock A. M.

Senator Henry, of Cass introduced a bill entitled: "An Act to regulate proceedings in the County Court pertaining to the estates of deceased persons."

Read first time and referred to Judiciary Committee No. 1.

Senate Bill No. 43, "An Act to regulate the license and practice of attorneys and counselors-at-law," was taken up and read second time.

On motion of Senator Terrell, the Senate went into Committee of the Whole on said bill.

Senator Hobby was called to the chair.

IN SENATE.

The President in the chair.

Senator Hobby, Chairman Committee of the Whole, reported that they had been considering Senate Bill No. 43, "An act to regulate the license and practice of attorneys and counselors-at-law;" that they had made progress therein, but had not perfected the bill, and asked leave to sit again.

So ordered.

On motion of Senator Ford, the Senate adjourned until 10 A. M., tomorrow.

EIGHTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 9, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journals of yesterday read and adopted.

The President of the Senate signed the following bill, after publicly reading its caption:

Senate Bill No. 14: "Act to transfer all cases, civil and criminal, now pending in Courts of Justices of the Peace whose jurisdiction has been heretofore increased by special law, to the courts having jurisdiction thereof under the Constitution."

Senator Hobby, Chairman of the Committee on Judiciary No. 1, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 99, entitled, "An Act to amend the penal code of the State of Texas," approved August 26, 1856, have had the same under consideration, and

a majority of the committee instruct me to report the bill back to the Senate with the following amendments, and recommend its passage, as amended :

In Section 1, before the word, "consent," insert the word, "written." In Section 1, strike out the words, "either written or verbal."

In Section 3, after the word, "produce," insert, "with notice that the same was raised upon rented premises." In Section 3, add to this section, "provided, if there is no rent due, the tenant may sell the produce to any one, without the consent of the landlord." *HOBBY, Chairman.*

Senators McLeary and Edwards, from the same committee, submitted the following report:

Hon. R. B. Hubbard, President of the Senate :

A minority of Judiciary Committee No. 1, respectfully dissent from the opinion of the majority in recommending the passage of Senate Bill No. 99, entitled, "An Act to amend the penal code of the State of Texas." We think the bill impracticable, and if practicable, too severe in its penalties, and calculated to array races one against another.

MCLEARY and EDWARDS, Minority of Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 117, entitled, "An Act to amend Article 409 and 411 of the penal code," have had the same under consideration, and have instructed me to report the bill back to the Senate and recommend that it do not pass.

HOBBY, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 104, entitled, "An Act to regulate fees in committing or examining courts," have had the same under consideration, and have instructed me to report the bill back to the Senate and recommend that it do not pass.

HOBBY, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred the memorials of Spencer Ford, Norman G. Kittrell, and Ernest Altgalt, Special Judges appointed by the Governor, under Section 11, Article 5 of the Constitution of 1870, have had the same under consideration, and I am instructed by the committee to report a general act for the consideration of the Senate, entitled: "An Act to fix the salaries of special judges and to prescribe rules for paying the same;" and recommend that the same do pass.

HOBBY, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee No. 1 have instructed me to present the accompanying communication from Messrs. Walton, Green and Hill, in the matter of the memorial of Merrick and Durant, and to ask the action of the Senate in the premises :

HOBBY, Chairman.

AUSTIN, TEXAS, May 1, 1876.

To the Chairman Judiciary Committee No. 1, Senate of Texas, Austin, Texas :

SIR—It being important to the memorialists, Merrick and Durant, that whatever rights they may possess shall be recognized in a practical

form, and your Committee being able to act only after the production of facts, we propose to prepare for the memorialists, at their request, necessary interrogatories to witnesses to draw out the facts. This we shall do at the expense of the memorialists, and without any charge to the State.

If you will indicate to us who will file cross-questions and who will issue the proper commissions, we will at once serve copies of questions, and thereafter, as early as practicable, obtain commissions and have the evidence taken. We are, etc., your obd't servants,

WALTON, GREEN & HILL.

A message was received from the House announcing the passage by that body of the following bills:

House Bill No. 43, "An Act to permit the transfer of certain suits from one court to another;" and House Bill No. 26, "An Act to amend Article 3450, of the civil code, being Section 2 of 'An Act concerning divorce and alimony,'" (Paschal's Digest), passed January 6, 1841.

Senator Stephens, Chairman Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 108, "An Act supplemental to 'An Act to provide for the current printing of the Fifteenth Legislature of Texas,'" passed April 28, 1876, and find the same correctly engrossed.

STEPHENS, *Chairman.*

Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate Bill No. 74, entitled, "An Act to provide for the fees of County Attorneys in the several counties in the State;" No. 86, entitled, "An Act to define the duties of County Attorneys, and regulate the performance of the same;" and Senate Bill No. 73, entitled, "An Act to provide for the duties and fees of County Attorneys in the several counties in the State," have had the same under consideration, and beg leave to report the following substitute for the above entitled acts, and recommend its adoption, to-wit: "An Act to define the duties of County Attorneys, and regulate the performance of the same."

PINER, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate Bill No. 27, entitled, "An Act to authorize Judges of the District Courts to grant license to practice law on presentation of diploma from law departments of any college or university of this State," have had the same under consideration, and recommend that it do not pass, because Senate Bill No. —, already reported to the Senate, contains in substance the same provisions.

PINER, *Chairman.*

Senator Terrell, for Committee on Judiciary No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate

Bill No. 109, entitled, "An Act regulating juries in civil cases," have had the same under careful consideration, and they have, after a careful examination of the bill, instructed me to report the same back with amendments, and recommend its passage. *TERRELL, for Committee.*

Senator Wortham, Chairman Committee on Public Printing, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Printing, to whom was referred the matter of printing the daily proceedings of the Senate, have considered the same, and the majority of the Committee instruct me to report the same back, and recommend the passage of the following resolution:

Resolved, That the Secretary be instructed to furnish the publisher of the daily *Democratic Statesman* with a copy of the daily proceedings of this body for publication in said paper.

Adopted.

Senator McLeary offered the following resolution:

Resolved, That the Committees on Engrossed and Enrolled Bills be each authorized to make any verbal changes necessary to correct the style and grammatical construction of any sentences or clauses in any bill; *provided*, the sense be not changed thereby.

Adopted.

Senator McCulloch offered the following resolution:

Be it resolved by the Senate of Texas, That the President of the Senate be, and he is hereby requested to appoint a committee of Senators to hold a conference with a committee appointed by the Speaker of the House of Representatives, for the purpose of an interchange of views in regard to the propriety of immediate action upon amendments to the Constitution of the State of Texas, and that the committee on the part of the Senate report as early as practicable the result of the consultation, in order that a bill for changing certain clauses of the Constitution may be properly framed and introduced, thereby saving time in adjusting differences respecting the aforesaid bill.

On motion of Senator Storey, the resolution was referred to Committee on Constitutional Amendments.

Senator Grace, Chairman Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, Senate Bill No. 14, entitled: "An Act to transfer all cases, civil and criminal; now pending in the courts of Justices of the Peace, whose jurisdiction has been heretofore increased by special law, to the courts having jurisdiction thereof under the Constitution." The same has been properly signed and presented to the Governor this day, at 10:45 o'clock A. M., for his approval.

GRACE, Chairman.

The Secretary of the Senate made the following report:

Hon. R. B. Hubbard, President of the Senate:

In compliance with a resolution this day adopted by the Senate, I have the honor to submit the following report of officers and employes of the Senate, with the amount of per diem paid each respectively:

Leigh Chalmers, Secretary; J. W. Swindells, First Assistant Secretary; Wm. Neal Raney, Second Assistant Secretary; E. J. Chew, Calendar Clerk; G. N. Beaumont, Enrolling Clerk; A. M. Belvin, Engrossing Clerk; J. H. Reed, Clerk Judiciary Committee No. 1; W. H. Hayes, Clerk of Judiciary Committee No. 2; George T. Walker, Clerk of Committees on Internal Improvements, State Asylums, Private Land Claims, Public Printing and Contingent Expenses; J. B. Wilkins, Sergeant-at-Arms; J. A. Hardin, Assistant Sergeant-at-Arms; John L. Lovejoy, Chaplain; William Fitzhugh, Door-keeper; all of whom receive \$5 per day; Sidney Shepherd, Geo. Calhoun and H. C. Carter, Pages; J. N. Haskell, Postmaster and Messenger; Leigh Blocker, August London, Jack Goodman, and John Price, Porters; the latter employed jointly by the Senate and House of Representatives; all of whom receive, as per special resolution of the Senate, the sum of three dollars per day, making a total of per diem for officers and employes of the Senate, \$89 per day. I have the honor to be, very respectfully, your obedient servant,

LEIGH CHALMERS, *Secretary of Senate.*

Senator McCulloch introduced a bill, entitled: "An Act to provide for the incorporation of Building Fund and Loan Association."

Read first time and referred to Judiciary Committee No. 2.

Senator McLeary introduced a bill, to be entitled: "An Act to amend the twelfth section of an act, entitled, 'An Act concerning proceedings in the District Courts,'" approved 16th of March, 1848; and to repeal Section 1 of an act, entitled, "An Act further regulating proceedings in the District Courts," approved 5th of February, 1858.

Read first time and referred to Judiciary Committee No. 1.

Senator Moore introduced a bill, entitled: "An Act for the benefit of keepers and owners of stud horses, jacks and bulls."

Read first time and referred to Committee on Stock and Stock Raising.

Senator Francis introduced a bill, to be entitled: "An Act to amend 'An Act to regulate proceedings in District Courts,'" approved May 11, 1846.

Read first time and referred to Committee on Judiciary No. 2.

Senator Burton offered the following resolution:

Resolved, That the President of the Senate be authorized to appoint a select committee of three to examine the accounts of the Superintendent of the Lunatic Asylum, from January, 1874, to date, and that said committee be authorized to send for persons and papers; and when their duty is performed, to report the result of their investigation to this body.

On motion of Senator McLeary, the resolution was referred to the Committee on State Asylums.

Senator McLeary offered the following resolution:

Resolved, That room No. 11, in the north-west corner of the basement of the Capitol, be placed at the disposal of the Attorney-General, to be used by him as an office.

Adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—28.

NAYS—Senator Burton—1.

Senator Piner offered the following resolution :

Resolved, That the Committee on Public Printing be instructed to inquire into the propriety of including the printing of the Judicial Department under the terms of the law requiring printing to be let by contract to the lowest bidder.

Adopted.

The Senate then went into a committee of the whole on Senate Bill No. 43 : " An Act to regulate the license and practice of attorneys and counselors-at-law."

Senator Storey in the Chair.

The Committee arose and reported the following amendments :

In section 1, line 11, strike out, "two," and insert, "one."

In lines 13 and 14, strike out the words, "moral character," and insert, "morality."

In line 19, strike out the words, "in the State of Texas."

In line 29, strike out the words, "that District," and insert, "the State."

In line 35, strike out, "or," and insert, "and."

In line 31, strike out, "its," and insert, "their."

Amendments to section 2: In line 7, between the words, "certificate and mentioned," insert the words, "or the certificate of the County Court and diploma."

In line 11, strike out all after the word, "one," down to the word, "who," in the sixteenth line.

In line 24, after the word, "applicant," insert the words, "that he is thorough in the course of study prescribed by the rules of the Supreme Court."

In lines 32 and 33, strike out the words, "the District Court," and insert, "either of the courts named in this section."

Strike out the remainder of the section after the word, "State," in the thirty-fifth line.

Amendments to Section 3: In line 5, between the words, "State and District," insert, "from which he shall have emigrated, or from a."

In lines 6 and 7, strike out the words, "from which he emigrated."

In line 10, strike out the words, "moral character," and insert, "morality."

In line 12, after the word, "residence," insert the words, "or examination."

Amendments to Section 6: In lines 3 and 4, strike out the words, "the County Court, Justices of the Peace."

In line 8, strike out the remainder of the section after the word, "State," and add, "during his term of office."

Amendments to Section 8: In line 5, between the words, "reformation," and "of," insert, "in the District Court of the county of which the accused resides, or if he is not a resident of the State, in any District Court in which he may practice."

Amendments to Section 9: In line 7, strike out the words, "for contempt." Strike out also the word, "involves," and insert, "for."

In lines 14 and 15, strike out the words, "in the District or County Court."

Add the following proviso to Section 10: " *Provided, however*, that the attorney shall in all cases be entitled to set up any legal or equitable

defense against the demand of his client that he would be permitted in any action against him for money so collected."

The committee asked the adoption of said amendments, and to be discharged from the further consideration of the bill.

On motion of Senator McLeary, the report of the committee was adopted and bill ordered to be engrossed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Martin, Motley, Piner, Ripetoe, Storey, Terrell, Thompson—26.

NAYS—Senators Brady, Stephens—2.

On motion of Senator Terrell, 100 copies of Senate Bill 109, "An Act to regulate juries in civil cases," were ordered to be printed; and that the bill be made the special order for Monday next, May 16, at 11 o'clock A. M.

On motion of Senator McCulloch, the Senate adjourned until 10 o'clock A. M., to-morrow.

NINETEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 10, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Hobby presented the memorial of several citizens of Titus county, "asking an amendment to the jury law."

Read and referred to Judiciary Committee No. 1.

Senator Ford presented the petition of many citizens of Hidalgo county, "praying that the dividing line between Hidalgo and Starr counties be changed from where it was established in 1870 to where it was originally run in 1852."

Read and referred to Committee on Counties and County Boundaries.

Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared the following Senate Bills, to-wit: Senate Bill No. 68, "An Act to amend Section 48 of an act to organize Justices' Courts and to define the power and jurisdiction of the same," passed March 20, 1848; and Senate Bill No. 89, "An Act prescribing certain requirements in, and the effect to be given to deeds made by Sheriffs and other officers under sales made by virtue of Executions issued on judgments rendered by Justices of the Peace and Mayors of towns and cities;" and find them correctly engrossed.

STEPHENS, *Chairman.*

Senator Blassingame, Chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate Bill No. 1, entitled, "An Act to suspend the collection of the road-